

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM)

I. (a) PLAINTIFFS Denise V. Anterola, 330 Krail Street, Phila, PA 19129 (b) County of Residence of First Listed Plaintiff <u>Philadelphia</u> (EXCEPT IN U.S. PLAINTIFF CASES) (c) Attorney's (Firm Name, Address, and Telephone Number) James T. Vernile, Esquire, 1650 Market Street, Floor, 55, Philadelphia, PA 19103, 215-238-8787	DEFENDANTS Anthony Joseph Mazza, 11 Brigantine Court, Nottingham, MD 21236 County of Residence of First Listed Defendant <u>Unknown</u> (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED. Attorneys (If Known)
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II. BASIS OF JURISDICTION (Place an "X" in One Box Only) <input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant) (For Diversity Cases Only) <table style="width:100%;"> <tr> <th></th> <th>PTF</th> <th>DEF</th> </tr> <tr> <td>Citizen of This State</td> <td><input checked="" type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input checked="" type="checkbox"/> 2</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> </tr> <tr> <td>Incorporated or Principal Place of Business In This State</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5</td> <td><input checked="" type="checkbox"/> 5</td> </tr> <tr> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF	Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Citizen of Another State	<input type="checkbox"/> 2	<input checked="" type="checkbox"/> 2	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. NATURE OF SUIT (Place an "X" in One Box Only)			
CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input checked="" type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes			

V. ORIGIN <input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify)	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment
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Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

VI. CAUSE OF ACTION Brief description of cause: Vehicle of Maryland resident strikes that of PA resident in PA	VII. REQUESTED IN COMPLAINT: <input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23
DEMAND \$ 75,000.00 or more	CHECK YES only if demanded in complaint: JURY DEMAND: X Yes <input type="checkbox"/> No

VIII. RELATED CASE(S) IF ANY (See instructions):	JUDGE: _____ DOCKET NUMBER: _____
DATE: _____ SIGNATURE OF ATTORNEY OF RECORD: _____	

FOR OFFICE USE ONLY	RECEIPT # _____	AMOUNT _____	APPLYING IFP _____	JUDGE _____
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OCT 18 2011

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 330 Krail Street, Philadelphia, PA 19124

11 6531

Address of Defendant: 11 Brigantine Court, Nottingham, MD 21236

Place of Accident, Incident or Transaction: South Gulph Road and Route 202 North, November 7, 2009
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☒ X

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒ X

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒ X
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒ X
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒ X
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes ☐ No ☒ X

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELEA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases
(Please specify)

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☒ Marine Personal Injury
5. ☒ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases
(Please specify)

ARBITRATION CERTIFICATION

(Check Appropriate Category)

- I, James T. Vernile, Esquire, counsel of record do hereby certify:
- ☒ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: 10-17-11

James T. Vernile

Attorney-at-Law

15770

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 10-17-11

James T. Vernile

Attorney-at-Law

15770

Attorney I.D.#

CIV. 609 (6/08)

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

DENISE V. ANTEROLA	:	CIVIL ACTION
	:	
v.	:	11 6531
	:	
ANTHONY JOSEPH MAZZA	:	NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

October 18, 2011
Date

James T. Vernile, Esquire
Attorney-at-law


Attorney for Plaintiff

215-238-8787
Telephone

215-238-8715
FAX Number

JimVernile@VernileLaw.com
E-Mail Address

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PA**

**DENISE V. ANTEROLA
330 KRAIL STREET
PHILADELPHIA PA 19129**

v.

**ANTHONY JOSEPH MAZZA
11 BRIGANTINE COURT
NOTTINGHAM, MD 21236**

**JURY TRIAL BY JURY OF
12 DEMANDED.
ASSESSMENT OF DAMAGES
HEARING IS REQUIRED.**

NO.: 11 6531

COMPLAINT - CIVIL ACTION

1. Plaintiff is a resident of Philadelphia County at the above address.
2. Defendant, Anthony Joseph Mazza is a resident of the state of Maryland at the above address.
3. On or about November 7, 2009 at approximately 10:30 a.m. plaintiff was an occupant of a 2004 Toyota Sequoia registered in the Commonwealth of Pennsylvania owned and operated by Grace M. Hoffman, traveling on South Gulph Road in the right turn ramp for entering Route 202 North when, suddenly and without warning, the vehicle occupied by the plaintiff was struck violently from the rear by a 2001 Jeep Cherokee registered in the State of Maryland owned and operated by Defendant Anthony Joseph Mazza with the result that plaintiff sustained injuries and suffered damages more fully set forth hereinafter.
4. As a result of the forgoing collision, which was caused by the negligence of the defendant, plaintiff sustained injuries including but not limited to Cervical, Thoracic, and Lumbar strain and sprain with dysfunction, left shoulder strain and sprain with dysfunction, Bilateral Trapezius muscle myofascitis, bilateral lower extremity radiculitis, spasms in the cervical, thoracic and lumbar spine, protruded herniated discs in the cervical and lumbar spine, L4 compression fracture, aggravation of a preexisting L4 compression fracture as well as other injuries to the bones, muscles, and tissues of the neck, head, limbs, spine and other body parts and internal organs and nervous system to be more fully described hereafter.
5. The plaintiff, did in fact suffer a serious injury as defined in the Pennsylvania Motor Vehicle Financial Responsibility Law.

6. Plaintiff has been required to expend, as the result of the negligence of the Defendant, sums for medical care and loss of income exceeding the amounts recoverable under the provisions of the Pennsylvania Financial Responsibility Act, 75 PA C.S.A., §1711.

7. At the time of the accident in question, Plaintiff sustained, as a result of the negligence of the defendants, serious impairment of body function and serious disfigurement.

8. At the time of the accident in question, the Plaintiff was entitled to Full Tort Protection under the provisions of the Pennsylvania Motor Vehicle Financial Responsibility Law.

9. In addition to the aforementioned damages, plaintiff has, as a result of defendants aforementioned negligence, sustained:

- a. Pain and suffering past, present and future;
- b. Past and future medical expenses;
- c. Mental distress;
- d. Disability, lost earnings and earnings capacity, past, present and future;
- e. Disfigurement, loss of life's pleasures and other intangible losses compensable under the Laws of the Commonwealth of Pennsylvania past, present and future.

10. The accident, injury and damages described above resulted from the negligence of this defendants by acts or omissions including but not limited to:

- a. driving at an excessive rate of speed under the circumstances;
- b. failing to have defendant's vehicle under control;
- c. failing to apply the brakes in time to avoid the collision;
- d. negligently applying the brakes;
- e. failing to observe the vehicle occupied by the Plaintiff on the highway;
- f. failing to operate defendant's vehicle in accordance with existing traffic conditions and traffic controls;
- g. failing to drive at a speed and in a manner that would allow defendant driver to stop within the assured clear distance ahead;

h. failing to keep a reasonable lookout for other vehicles lawfully on the road;

i. operating defendant's vehicle in a manner not consistent with the road and weather conditions prevailing at the time;

j. violation of the Pennsylvania Vehicle Code;

k. failure to exercise reasonable care under the circumstances;

WHEREFORE, Plaintiff seeks damages against this Defendant in an amount greater than Fifty Thousand (\$50,000) Dollars, along with the imposition of delay damages, attorney fees, court costs and other costs and fees as provided by law.

Respectfully submitted,

BY: 

JAMES T. VERNILE, ESQUIRE
ATTORNEY FOR PLAINTIFFS,
DENISE V. ANTEROLA

ONE LIBERTY PLACE, 55TH FLOOR
1650 MARKET STREET
PHILADELPHIA, PA 19103
(215) 238-8787

COMMONWEALTH OF PENNSYLVANIA :
: ss
COUNTY OF PHILADELPHIA :

VERIFICATION

Denise V. Anterola, hereby states that she is the plaintiff in this action and verifies that the statements made in the foregoing Civil Action - Law are true and correct to the best of her knowledge, information and belief. The undersigned understand that the statements therein are made subject to penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

DATE: Oct. 3, 2011


DENISE V. ANTEROLA